

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

SONY BMG CD
TECHNOLOGIES LITIGATION

Case No. 1:05-cv-09575-NRB

**DECLARATION OF ALAN HIMMELFARB IN SUPPORT OF PLAINTIFF
CLASS COUNSEL'S APPLICATION FOR ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES**

I, Alan Himmelfarb, declare under penalty of perjury as follows:

1. I am an attorney in good standing, duly licensed and admitted to the California State Bar and the United States District Court, Central District of California. I am the sole attorney of the Law Offices of Alan Himmelfarb, and counsel of record for Alexander William Guevara, in *Guevara v. Sony BMG Music Entertainment Corp, et al.*, case # BC 342359, filed in Los Angeles County Superior Court. As such, I am familiar with the facts, pleadings and history of this matter. I am submitting this Declaration in support of Class Counsel's application for an award of attorneys' fees and reimbursement of costs. The following facts are within my own personal knowledge, and if called as a witness, I could and would testify competently thereto.

2. I have extensive experience in the field of class actions, consumer litigation, and other complex litigation. Some of the major cases I have undertaken are listed on the attached Exhibit A.

3. The total number of professional hours expended in the litigation by myself is 241.7 hours. The total loadstar amount for my work in this case is \$98,430.10. My hourly rate is \$395.00 per hour. The time reflected in this declaration was time actually spent, in the exercise of reasonable judgment, by myself in the course of this litigation, and includes, pre-filing research and due diligence, filing of an action in the Los Angeles County Superior Court, coordination with national actions, the Petition For Coordination of the California cases, settlement negotiations with defendant, attendance at court hearings, and communications with counsel on other cases filed around the country. My actions were closely coordinated with class counsel from the beginning of the litigation so as to avoid unnecessary duplication of efforts.

4. The total unreimbursed expenses incurred by my office in this litigation is \$2,962.46. The expenses incurred in this case are reflected in the books and records of the firm. These books and records, prepared from expense vouchers, check

records, receipts, and other contemporaneously-recorded billing records, are an accurate record of expenses incurred in this litigation. The total unreimbursed expenses incurred by my office in this litigation is \$2,962.46.

5. Time spent in preparing this Declaration in support of my application for fees and reimbursement of expenses and any other time related to billing or periodic time reporting has not been included in summary of my hours and lodestar.

I declare under the penalty of perjury under the laws of California that the foregoing is true and correct.

Executed this 27th day of March, 2006 at Vernon, California.



Alan Himmelfarb

**The Law Offices of
Alan Himmelfarb**

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- Chancer v. Princess Cruises (consumer fraud class action - co-lead counsel);
- Kiesel v. Time Warner (representative action on behalf of thousands of apartment and condominium residents - co-counsel);
- Hyatt v. Geocities (consumer fraud/ privacy - co-lead counsel);
- Weaver v. Webtv (consumer fraud / deceptive advertising, certified class action - co-lead counsel);
- Greeneway v. Bay Networks (securities fraud, Section 11);
- Truschel v. Juno; (consumer fraud / deceptive advertising class action);
- Barton v. Princess Cruises, (consumer fraud / deceptive advertising class and representative action).
- Rezec v. Sony (consumer fraud / deceptive advertising class and representative action);
- Mirfashi v. Fleet Bank (consumer fraud / deceptive advertising class action);
- Blackford v. At Home / AT&T (consumer fraud / deceptive advertising class and representative action);
- Graham v. Netpliance (consumer fraud / deceptive advertising class action);
- In Re Trans Union Litigation MDL # 1350, and
- Frey v. Trans Union Corporation (consumer privacy, FCRA class and representative action);
- Guevara v. Sony BMG (consumer fraud, violation of computer security statutes);
- Tim Kan, v. Toshiba America Information Systems, Inc. (consumer fraud / deceptive advertising class action).